

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-314898-D5
AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: Frederick HAUSER

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1810

Frederick HAUSER

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 28 August 1969, an Examiner of the United States Coast Guard at New Orleans, Louisiana, suspended Appellant's seaman's documents for six months upon finding him guilty of misconduct. The specifications found proved allege that while serving as an oiler on board SS DEL SUD under authority of the document above captioned, Appellant:

- 1) was absent from the vessel and his duties without authority at Abidhan, West [sic] Africa on 1 July 1969, and
- 2) wrongfully left his station and his duties in the engine room at sea on 16 August 1969.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of guilty to the charge and each specification.

At the end of the hearing, the Examiner rendered a decision in which he concluded that the charge and specifications had been proved by plea. The Examiner then entered an order suspending all documents issued to Appellant for a period of six months.

The entire decision was served on 2 September 1969. Appeal was timely filed on 16 September 1969.

FINDINGS OF FACT

On both dates in question, Appellant was serving as an oiler on board SS DEL SUD and acting under authority of his document.

On 1 July 1969, at Abidjan, Ivory Coast, Appellant was absent from the vessel and his duties without authority.

On 16 August 1969, when the vessel was at sea, Appellant left his action and duties in the engine room without authority.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the order is too severe because Appellant has a family to support.

APPEARANCE: Appellant, pro se.

OPINION

Both the seriousness of misconduct found proved and the prior record of the person are matters for an examiner to consider in framing an appropriate order. Abandoning a watch at sea, which Appellant admitted, is a serious offense by itself. In this case, however, prior record has even more impact. That record is tabulated:

- 1) 22 January 1944, Seattle, one month on six months' probation for failure to perform duties aboard SS JOSEPH HUDSON;
- 2) 6 February 1959, New Orleans, admonished for failure to perform duties aboard SS DEL NORTE;
- 3) 4 August 1959, New Orleans, suspended for four months on eighteen months' probation for several offenses aboard SS DEL MUNDO;
- 4) 5 November 1959, Bremen, Germany, admonished for failure to perform duties aboard SS MORNING LIGHT;
- 5) 24 November 1964, New Orleans, suspended six months on twenty four months' probation for failure to perform duties aboard SS DEL NORTE;
- 6) 29 September 1965, New Orleans, six months plus six months on twenty four months' probation for intoxication and absence from duties, SS TOPA TOPA;
- 7) 17 February 1969, New Orleans, two months' suspension for failure to perform, failure to respond to a subpoena, and unauthorized absence, SS ROBIN TRENT;
- 8) 3 March 1968, New Orleans, suspended for two months for failure to perform aboard SS ALCOA VOYAGER;

- 9) 6 February 1969, New Orleans, two months' suspension for offenses dealing with intoxicants aboard SS CITY OF ALMA.

This is one of the lengthiest prior records that has come to my attention via the procedure of appeal from an Examiner's order. The first offense in the instant case occurred less than three months after the end of Appellant's last effective suspension.

In view of the prior record set out above, the order of the Examiner in the instant case cannot be considered too severe, as Appellant contends, but only as too lenient. The hardship placed on Appellant's dependents has been placed there by him.

II

A minor flaw appears in the first specification. It alleges that the absence occurred at "Abidjan, W. Africa."

There is no political entity, "West Africa." A city is usually identified by the political entity of which it is a part. Abidjan is the capital of Ivory Coast, a country on the Atlantic (West) Coast of Africa.

The error is not substantial and is corrected herewith.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 28 August 1969, is AFFIRMED.

T. R. Sargent
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D.C., this 20th day of August 1970.

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Order of Examiner

Lenient

Prior record considered